

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



December 17, 2009

To: INTERESTED PARTIES

**SUBJECT: PROGRAM OPPORTUNITY NOTICE (PON) 400-09-401
ADDENDUM #5
MUNICIPAL FINANCING PROGRAM**

NOTICE IS HEREBY GIVEN THAT THE ABOVE SOLICITATION IS AMENDED AS FOLLOWS:

- 1. Section I. Introduction, Available Funding on page 3 of the PON is hereby amended as follows:**

“Replace page 3, with the attached page 3, dated December 17, 2009, adding the possibility of increasing the available funds for the solicitations.”

Proposals must be delivered no later than 5:00 PM, December 21, 2009.

Except as herein amended, all other terms and conditions shall remain the same.

Sincerely,

RACHEL GRANT
Contract Officer

Attachments
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I. INTRODUCTION, CONTINUED

solicitations; or to award all funds under one or more solicitations; or to award funds to one bidder.

The Energy Commission reserves the right to reduce the amount of funds available under the Solicitations.

In addition, ARRA funding may be reallocated as necessary to best achieve the overall goals of ARRA and state law and policy. Funds identified for the Solicitations may be reallocated and used for another purpose only after the Solicitations have closed and awards have been made or the Solicitations have been modified or cancelled.

The Energy Commission also reserves the right to allocate additional ARRA SEP funds for the Solicitations. As much as \$15 million in additional ARRA SEP funds could be available to augment the Solicitations if the Energy Commission is unable to use these funds as contemplated. If these additional ARRA SEP funds are allocated to the Solicitations, a total of up to \$110 million in ARRA SEP funds would be available for contracts resulting from the Solicitations. The above noted funding caps, a maximum of \$20 million and a minimum of \$2 million per proposal per solicitation, are still applicable.

FUNDING LIMITATIONS

Applicants are encouraged to use existing sources of federal, state and utility funding to leverage the ARRA SEP funding available through this solicitation. ARRA SEP funds may be used to supplement these existing sources of funding, but may not be used to supplant these existing funds.

Pursuant to the federal ARRA guidelines, ARRA SEP funding may not be used to fund projects for gambling establishments, aquariums, zoos, golf courses or swimming pools. No more than 20 percent of each award shall be used to purchase office supplies, library materials, or other equipment whose purchase is not otherwise prohibited. In addition, ARRA SEP funding may not be used:

1. For construction, such as construction of mass transit systems and exclusive bus lanes, or for construction or repair of buildings or structures;
2. To purchase land, a building or structure or any interest therein;
3. To subsidize fares for public transportation;
4. To subsidize utility rate demonstrations or State tax credits for energy conservation measures or renewable energy measures; or
5. To conduct, or purchase equipment to conduct, research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available.

ELIGIBLE BIDDERS

Eligible bidders include cities, counties, or groups of cities and counties in California that are in the process of establishing or have already established a municipal financing program for the purposes of funding energy efficiency and on-site solar electric or other on site renewable energy generation improvements in accordance with California Streets and Highways Code Sections 5898.10– 5898.32 and/or other applicable municipal financing laws. California law was recently amended by AB 474 (Statutes of 2009) to authorize municipal utility districts, irrigation districts, and public utility districts